

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	10/508,900	Group Art Unit:	3727
Filing Date:	September 23, 2004	Examiner:	Wilson, Lee D.
Applicant(s):	AMOS, Pamela Louise	Atty. Docket:	40735022/53500US
Title:	METHOD AND APPARATUS FOR CLEANING HOOK AND LOOP ATTACHMENT MATERIALS		

**PETITION UNDER 37 CFR §1.181(a)(1) TO
WITHDRAW PREMATURE FINAL REJECTION
(37 CFR §1.113(a); MPEP 706.07(c))**

Technology Center Director, Art Unit 3727
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This petition is filed in the above-noted application to withdraw the finality of the September 12, 2008 Office Action.

As per MPEP 1002.02(c), it is understood that this Petition is to be decided by the Technology Center Director of Art Unit 3727. If this understanding is incorrect, please forward to the Office of Petitions or the other responsible entity.

- Petition Fee (37 CFR §1.17(h)):*** No fee is required for this Petition.
- Timing of Petition (37 CFR §1.181(f)):*** This Petition is filed within two months of a November 17, 2008 Advisory Action refusing to withdraw the final rejection, after such withdrawal was requested in a November 10, 2008 Response.
- Statement of Facts (37 CFR §1.181(b)):*** The reasons why finality should be withdrawn, and the facts supportive of withdrawal, are fully set out at pages 7-8 of the November 10, 2008 Response (attached as **Exhibit A**). In brief, a basis for withdrawal of finality is simply illustrated as follows:

- In a January 24, 2008 Office Action (attached as **Exhibit D**), independent claim 15 and some of its dependent claims were rejected in view of U.S. Patent 3,170,182 to *Burian*, U.S. Patent 3,053,264 to *Breton*, U.S. Patent 671,047 to *Fox*, and U.S. Patent 5,297,882 to *Korindes*.
- In the Response of May 22, 2008 (attached as **Exhibit C**), arguments against these rejections were made. Independent claim 15 and its dependent claims were not amended.
- In the subsequent September 12, 2008 Final Office Action (attached as **Exhibit B**), the foregoing rejections in view of U.S. Patent 3,170,182 to *Burian*, U.S. Patent 3,053,264 to *Breton*, U.S. Patent 671,047 to *Fox*, and U.S. Patent 5,297,882 to *Korindes* were repeated (without comment on applicant's arguments against the rejections, more specifically, without the statement required by MPEP 707.07(f) as to why these arguments were not found convincing). Further, *new rejections were posed* in view of U.S. Patent 3,999,244 to *Brickley* and U.S. Patent 191,608 to *Miller*. This is plainly contrary to MPEP 706.07(a), which provides that second (or subsequent) Actions cannot be final where a new ground of rejection is introduced that is neither (1) necessitated by applicant's amendment of the claims, nor (2) based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). (No such information disclosure statement was filed in this case.) ***Finality is therefore clearly contrary to MPEP 706.07(a) in view of the new rejections to unamended claim 15 in view of U.S. Patent 3,999,244 to Brickley and U.S. Patent 191,608 to Miller.***

Kindly refer to pages 7-8 of the November 10, 2008 Response (attached as **Exhibit A**) for further explanation of why finality is improper, and should be withdrawn.

As per 37 CFR §1.181(b), any facts requiring proof are set out in the form of exhibits accompanying this Petition.

4. Prior Request for Consideration (37 CFR §1.181(c)): The Applicant requested reconsideration in the November 10, 2008 Response. The request was denied in the November 17, 2008 Advisory Action.

5. **Action Requested (37 CFR §1.181(b)):** It is requested that:

- (a) the Final Office Action and the final rejection therein be withdrawn;
- (b) the amendments of the Response of November 10, 2008 be entered and the arguments therein be fully considered; and
- (c) that any maintained rejections be reissued in a new, nonfinal Office Action.

If this relief is denied, it is then requested that the action taken provide the Applicant with the “full and fair hearing” noted by MPEP 706.07.

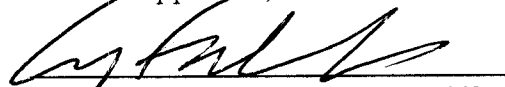
In Closing

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

ATTACHMENTS / ENCLOSURES:

- Exhibits supporting facts to be proven (37 CFR §1.181(b)):
- **EXHIBIT A:** November 10, 2008 Response
- **EXHIBIT B:** September 12, 2008 Final Office Action
- **EXHIBIT C:** May 22, 2008 Response
- **EXHIBIT D:** January 24, 2008 Office Action

For the Applicant,



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**RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
ART UNIT: 3723**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/508,900 Group Art Unit: 3723
Filing Date: September 23, 2004 Examiner: Wilson, Lee D.
Applicant(s): AMOS, Pamela Louise Atty. Docket: 40735022/53500US
Title: **METHOD AND APPARATUS FOR CLEANING HOOK AND LOOP
ATTACHMENT MATERIALS**

**RESPONSE TO FINAL OFFICE ACTION OF SEPTEMBER 12, 2008
(37 CFR §1.116)**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Following is a Response to the Final Office Action dated September 12, 2008.

I certify that this paper is being electronically submitted to the U.S. Patent and Trademark Office via the EFS-Web system on the following date:

10 November 2008

Date of Electronic Submission

Marcia Layton

Signature

AMENDMENTS TO THE CLAIMS

1-14. **(CANCELED)**

15. **(PREVIOUSLY PRESENTED)** A method of restoring hook material used for hook and loop attachment, the hook material having stems arrayed thereupon with the stems each terminating in a hook, the method comprising the step of raking the hook material with a member having a plurality of spaced teeth, wherein
- a. the width of each respective tooth, and
 - b. the spacing apart of adjacent teeth,
- are such that adjacent hooks on the hook material have one of the teeth fit therebetween closely adjacent to their stems.
16. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein the teeth are centered approximately 0.8 mm apart.
17. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein the teeth are centered 0.7-0.9 mm apart.
18. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein:
- a. the spacings between adjacent teeth are at least the thickness of one of the stems, and
 - b. the width of each tooth is less than the distance between adjacent stems.
19. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein at least one of the teeth has a wedge-shaped leading edge.

20. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein at least one of the teeth terminates in a leading edge, and has a width which increases as the tooth extends rearwardly of the leading edge.
21. **(PREVIOUSLY PRESENTED)** The method of claim 20 wherein the tooth has opposing sides with the leading edge therebetween, and wherein both sides incline away from the leading edge.
22. **(CURRENTLY AMENDED)** The method of ~~claim 1~~ claim 15 wherein:
 - a. the plurality of spaced teeth define a first line on the member, and
 - b. the member further comprises a second line of spaced teeth on the member,wherein the teeth in the second line are arrayed in echelon with the teeth in the first line.

23. **(CURRENTLY AMENDED)** An apparatus for restoring hook material used for hook and loop attachment, such hook material having thereupon an array of stems terminating in hooks, the apparatus being defined by a **plastic rake sized to fit within a user's hand and** including:

- (1) a plurality of spaced teeth defined in a first discrete set wherein:
 - a. the width of each respective tooth, and
 - b. the spacing apart of adjacent teeth,are sized to allow each tooth to closely pass between adjacent stems on the hook material,
- (2) a second discrete set of spaced teeth is provided spaced from the first set, wherein the teeth in the second set are:
 - a. sized and spaced similarly to the teeth in the first set, and
 - b. angled differently than the teeth in the first set,

wherein each tooth includes a forward leading edge, and each tooth is tapered to increase in:

- a. width,**
- b. height, and**
- c. thickness,**

as the tooth extends rearwardly of the leading edge.

- 24-26. **(CANCELED)**

27. **(PREVIOUSLY PRESENTED)** An apparatus for restoring hook material used for hook and loop attachment, such hook material having thereupon an array of stems terminating in hooks, the apparatus being defined by a plastic rake sized to fit within the hand, and including:

- a. ~~a first array of teeth, and~~
- b. ~~a second array of teeth, the second array being spaced from the first array;~~
- a. an elongated handle having at least substantially uniform width along its length, and
- b. first and second arrays of teeth extending from the handle, wherein the arrays of teeth extend across the width of the handle at or adjacent one end of the length of the handle,

wherein the first and second arrays each define one or more rows of teeth, the rows in the first array being parallel to the rows in the second array, and wherein:

- (1) each tooth within the arrays is sized to fit between adjacent stems of hook material, and
- (2) adjacent teeth of each array are spaced to allow passage of one of the stems therebetween, and
- (3) the teeth within the rows of the first array are angled differently from the teeth within the rows of the second array.

28. **(PREVIOUSLY PRESENTED)** The apparatus of claim 27 wherein the first array and second array are spaced by a toothless valley.

29. **(CANCELED)**

30. **(PREVIOUSLY PRESENTED)** The apparatus of claim 27 wherein the teeth of the second array are set in echelon with the teeth of the first array.

31. **(PREVIOUSLY PRESENTED)** The apparatus of claim 27 wherein at least one of the arrays includes tapered teeth, wherein each tapered tooth grows thicker in at least one dimension as it the tapered tooth extends rearwardly from the leading edge of the tapered tooth.
32. **(PREVIOUSLY PRESENTED)** The apparatus of claim 31 wherein each tapered tooth is axially symmetric in at least one plane defined along an axis extending rearwardly from the leading edge of the tapered tooth.
33. **(PREVIOUSLY PRESENTED)** The apparatus of claim 32 wherein at least one of the arrays includes tapered teeth, wherein each tapered tooth grows thicker in at least one dimension as it the tapered tooth extends rearwardly from its leading edge.
34. **(PREVIOUSLY PRESENTED)** The method of claim 22 wherein the teeth in the second line are angled in non-parallel relationship with the teeth in the first line.
35. **(PREVIOUSLY PRESENTED)** The apparatus of claim 23 wherein the teeth in the second discrete set are arrayed in echelon with the teeth in the first discrete set.
36. **(NEW)** The apparatus of claim 23 wherein:
- a. the rake further includes a handle from which the teeth extend,
 - b. the sets of spaced teeth extend across the width of the handle at or adjacent one end of the length of the handle, and
 - c. the handle has an at least substantially uniform width along its length.

REMARKS

1. Finality of Office Action/Entry of Amendments

Withdrawal of the finality of the Office Action as per MPEP 706.07(d) is requested for the following reasons:

- The September 12, 2008 Final Office Action sets forth new rejections to independent claim 15 and its dependent claims (more specifically, the rejections at Sections 8 and 9 of the Final Office Action in view of U.S. Patent 3,999,244 to *Brickley* and U.S. Patent 191,608 to *Miller*), but claim 15 was not amended in the prior Response of May 22, 2008. Under MPEP 706.07(a), second (or subsequent) Actions cannot be final where a new ground of rejection is introduced that is neither (1) necessitated by applicant's amendment of the claims, nor (2) based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Here, elements (1) and (2) are not present, and thus finality is clearly contrary to MPEP 706.07(a) in view of the new rejections to the unamended claims.
- As discussed in greater detail below, several of the objections and rejections (and the grounds therefor) have been repeated from the Office Action of January 24, 2008. However, the Applicant argued against these objections and rejections in the prior Response of May 22, 2008. The Applicant's arguments are unanswered in the September 12, 2008 Final Office Action, leaving the Applicant to guess as to why her arguments are found unpersuasive. The Final Office Action's failure to address the Applicant's arguments is contrary to MPEP 707.07(f), Answer All Material Traversed ("Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it"); also see Examiner Notes for PTO form paragraphs 7.37 and 7.38 (as reproduced in MPEP 707.07), which require that all relevant arguments by the Applicant be addressed.
- As discussed in greater detail below, several of the rejections state that the claims are anticipated, but they do not state where each of the recited features of the claimed invention is believed to be present in the cited reference. This is contrary to 37 CFR §1.104(c)(2),

which provides that "[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, *the particular part relied on must be designated as nearly as practicable*. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." In at least some cases, the Applicant is left to guess as to how the Applicant's claims read on the prior art.

In accordance with MPEP 706.07, the Applicant is seeking to define the invention in terms of allowable claims, is not seeking to delay prosecution, and is trying to clarify all issues prior to appeal (if appeal should be necessary), and thus it is requested that finality be withdrawn so that these issues are fully and fairly heard.

2. The Amendments, the Support Therefor, and Basis for Entry

Two claims (24 and 25) have been canceled, new claim 36 has been added, and claims 22-23 and 27 have been amended to leave claims 15-21, 25, 27, 28, and 30-35 in the application. No new matter has been added by the amendments or new claims, wherein:

- claim 22 is amended to correct its dependency,
- claim 23 is amended to incorporate its dependent claims 24 and 25,
- claim 27 is amended to incorporate features of the preferred version of the invention shown in the application's drawings, and
- new claim 36 also recites features of the preferred version of the invention shown in the application's drawings.

As per 37 CFR §1.116(b) and MPEP 714.12/714.13, the amendments place the case either in condition for allowance or in better form for appeal, and thus are believed to be suitable for entry.

3. Sections 1-2 of the Office Action: Objections to the Abstract

This objection was responded to in the prior Response of May 22, 2008, but the Applicant's comments as to why the objection should be withdrawn is not addressed in the September 12, 2008 Final Office Action, contrary to MPEP 707.07.

To repeat, regarding the objection on the basis that the Abstract is not presented on a separate sheet, please note that the Preliminary Amendment of September 23, 2004 did indeed present the Abstract on a separate sheet (note the "Remarks" section, and the separate sheet appended to the end of the Preliminary Amendment). Kindly withdraw this objection.

4. Sections 3-4 of the Office Action: Rejection of Claims 15 and 18-21 under 35 USC §102 in view of U.S. Patent 3,170,182 to *Burian*

Initially, it is noted that page 5, Section 1.a of the Final Office Action states that:

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.
 - a. In regard to the old method claims being rejected with the same art. The applicant is discussing the intended use of the prior art; however, the claim recites a method of restoring material which is anything. There is no real specific use of a method being claimed in regard to specific art being practiced. The method is generic to the field being practiced.

This is understood to mean that the rejections to claim 15 and its dependent claims 18-21 and 34 do not accord any weight to the materials (hook-and-loop fastener) on which the method operates. This is plainly improper in view of MPEP 2116, which states that "[t]he materials on which a process is carried out must be accorded weight in determining the patentability of a process." If these comments are misunderstood by Applicant, kindly clarify them.

Looking then to parent claim 15, the claim is directed to "[a] method of restoring hook material used for hook and loop attachment, the hook material having stems arrayed thereupon with the stems each terminating in a hook . . . " In contrast, *Burian* plainly shows and discusses rehabilitation of a paintbrush having straight bristles, with no disclosure whatsoever of hook material. As noted in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Since this condition is not present here, kindly withdraw the rejections.

Additionally, one of ordinary skill would not regard *Burian*'s paint brush cleaning tool as being useful for restoring hook material in the manner recited in claim 1: since *Burian*'s device is designed and used for cleaning straight brush bristles, it would seem that if used on hook material,

it would bend (straighten) the hooks, thereby damaging them and rendering them useless. We therefore submit that claims 15 and 18-21 are also unobvious in view of *Burian*.

5. Section 5 of the Office Action: Rejection of Claims 15 and 18-21 under 35 USC §102 in view of U.S. Patent 3,053,264 to *Breton*

U.S. Patent 3,053,264 to *Breton* is directed to a hair brush wherein the bristles of the brush are moved between strands of hair to straighten the hair. Claim 15 and its dependent claims 18-21 are submitted to be novel and unobvious in view of this arrangement for the reasons similar to those noted in the foregoing Section 4 of this Response, i.e., *Breton* is not used to restore hook material, nor would one use *Breton* for such a purpose because the hooks would be bent and damaged by *Breton* (which is, after all, intended to *straighten* the matter through which it is run). Since *Breton* is intended to straighten the matter through which it is run, and straightening of the hooks of hook and loop material is naturally undesirable, it cannot be obvious to modify the use of *Breton* to attain the claimed matter. See, e.g., MPEP 2143.01 (subsection entitled “The Proposed Modification Cannot Render The Prior Art Unsatisfactory For Its Intended Purpose”).

6. Section 6 of the Office Action: Rejection of Claims 15 and 18-21 under 35 USC §102 in view of U.S. Patent 671,047 to *Fox*

U.S. Patent 671,047 to *Fox* is also directed to a hair brush wherein the bristles of the brush are moved between strands of hair to straighten the hair, and the comments at the foregoing Section 5 of this Response apply here as well.

7. Section 7 of the Office Action: Rejection of Claims 15 and 18-21 under 35 USC §102 in view of U.S. Patent 5,297,882 to *Korindes*

U.S. Patent 5,297,882 to *Korindes* is also directed to a hair brush wherein the bristles of the brush are moved between strands of hair to straighten the hair, and the comments at the foregoing Section 5 of this Response apply here as well.

8. Section 8 of the Office Action: Rejection of Claims 15 and 18-35 under 35 USC §102 in view of U.S. Patent 3,999,244 to *Brickley*

U.S. Patent 3,999,244 to *Brickley* is directed to a rug rake wherein the teeth of the rake are moved over the pile of a rug to raise the pile and avoid matting (see Abstract and column 1 lines 13-34). The comments at the foregoing Section 5 of this Response apply here to claims 15 and 18-22.

Regarding claim 23 and its dependent claims, claim 23 has been amended to incorporate its dependent claims 24-25 (as well as features of claim 27) to clearly differentiate claim 23 from *Brickley*.

Regarding claim 27 and its dependent claims, claim 27 recites a “plastic rake sized to fit within the hand,” and additionally recites the unique configuration of the preferred version of the invention depicted in the application’s drawings, and claim 27 is therefore clearly differentiated from *Brickley*.

9. Section 9 of the Office Action: Rejection of Claims 15 and 18-35 under 35 USC §102 in view of U.S. Patent 191,608 to *Miller*

U.S. Patent 191,608 to *Miller* is directed to a curry-comb (i.e., a horse comb) as depicted. The comments at the foregoing Section 5 of this Response apply here to claims 15 and 18-22.

Regarding claim 23 and its dependent claims, claim 23 has been amended to incorporate its dependent claims 24-25 (as well as features of claim 27) to clearly differentiate claim 23 from *Miller*.

Regarding claim 27 and its dependent claims, claim 27 recites a “plastic rake sized to fit within the hand,” and additionally recites the unique configuration of the preferred version of the invention depicted in the application’s drawings, and claim 27 is therefore clearly differentiated from *Miller*.

10. Sections 10-11 of the Office Action: Rejection of Claims 16-17 under 35 USC §103(a) in view of U.S. Patent 3,053,264 to *Breton*, U.S. Patent 671,047 to *Fox*, and/or U.S. Patent 5,297,882 to *Korindes*

These claims are submitted to be allowable for at least the same reasons as their parent claim 15. In addition, claims 16-17 recite teeth spacings which are on the sub-millimeter level – which is extremely small. When the present invention is placed out of mind to guard against hindsight, and when the cited art is considered for all that it suggests, it cannot fairly be said that an ordinary artisan would contemplate sub-millimeter spacings where all prior art shows significantly larger spacings.

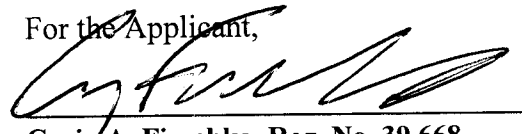
11. New Claim 36

New claim 36 recites the unique configuration of the preferred version of the invention depicted in the application's drawings, one which is not present in the art of record.

12. In Closing

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,



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UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit B-1

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,900	09/23/2004	Pamela Louise Amos	40735022/53500US	3658
25005	7590	09/12/2008		
Intellectual Property Dept. Dewitt Ross & Stevens SC 2 East Mifflin Street Suite 600 Madison, WI 53703-2865			EXAMINER WILSON, LEE D	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 09/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/508,900	AMOS, PAMELA LOUISE	
	Examiner	Art Unit	
	LEE D. WILSON	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-25, 27, 28 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-25, 27-28, and 30-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Application/Control Number: 10/508,900
Art Unit: 3723

Page 2

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract should be on a separate sheet. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Burian (3170182).

Burian discloses the claimed invention as recited in claims . Burian discloses an apparatus and method having teeth (16&30) being wedge shaped

Application/Control Number: 10/508,900
Art Unit: 3723

Page 3

5. Claims 15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Breton (3053264).

Breton discloses the claimed invention as recited in claims . Breton discloses an apparatus and method having teeth (26) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. The method is merely the natural function of the claimed apparatus.

6. Claims 15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Fox (671047).

Fox discloses the claimed invention as recited in claims . Fox discloses an apparatus and method having teeth (4) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. The method is merely the natural function of the claimed apparatus.

7. Claims 15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Korindes (5297882).

Kornides discloses the claimed invention as recited in claims . Kornides discloses an apparatus and method having teeth (20) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. The method is merely the natural function of the claimed apparatus.

Application/Control Number: 10/508,900
Art Unit: 3723

Page 4

8. Claims 15 and 18-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Brickley (3999244).

Brickley discloses the claimed invention as recited in claims . Brickley discloses an apparatus and method having teeth (20&22) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. Brickley discloses parallel rows of teeth which are angled differently (see figs. 1 and 3, the curvature is not the same for each which changes the angle). The method is merely the natural function of the claimed apparatus.

9. Claims 15 and 18-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (191608).

Miller discloses the claimed invention as recited in claims . Miller discloses an apparatus and method having teeth (d & e) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. Brickley discloses parallel rows of teeth which are angled differently (see figs. 2 and 3, the teeth are reversed which changes the angle). The method is merely the natural function of the claimed apparatus.

Claim Rejections - 35 USC § 103

Application/Control Number: 10/508,900
Art Unit: 3723

Page 5

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breton (3053264), Korindes (5297882), and/or Fox (671047).

a. Breton (3053264), Korindes (5297882), and/or Fox (671047) discloses the claimed invention except for a range .7-.9 mm apart for the teeth. The claimed range would have been obvious because "a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." KSR.

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

a. In regard to the old method claims being rejected with the same art. The applicant is discussing the intended use of the prior art; however, the claim recites a method of restoring material which is anything. There is no real specific use of a method being claimed in regard to specific art being practiced. The method is generic to the field being practiced.

2. Applicant has amended the claims to read over the prior art.

Application/Control Number: 10/508,900
Art Unit: 3723

Page 6

- b. The new art has been applied to address these limitations. The applicant did read over the old art.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/508,900
Art Unit: 3723

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldw

/LEE D WILSON/
Primary Examiner, Art Unit 3723

September 11, 2008

Notice of References Cited	Application/Control No. 10/508,900	Applicant(s)/Patent Under Reexamination AMOS, PAMELA LOUISE	
	Examiner LEE D. WILSON	Art Unit 3723	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-191,608 A	06-1877	MILLER	119/617
*	B	US-3,999,244 A	12-1976	Brickley, Alfred H.	15/142
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/508,900 Group Art Unit: 3723
Filing Date: September 23, 2004 Examiner: Wilson, Lee D.
Applicant(s): AMOS, Pamela Louise Atty. Docket: 40735022/53500US
Title: **METHOD AND APPARATUS FOR CLEANING HOOK AND LOOP
ATTACHMENT MATERIALS**

**RESPONSE TO JANUARY 24, 2008 OFFICE ACTION
(37 CFR §1.111)**

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

In Response to the Office Action of January 24, 2008, reconsideration of the objections and/or rejections and further examination of the application are requested.

Petition for Extension of Time to Respond

The period for response is hereby extended ONE month to expire May 24, 2008 by this Petition for a One-Month Extension of Time. Payment for the appropriate petition fee of \$60 (37 CFR §1.17) accompanies this Response.

I certify that this paper is being electronically submitted to the U.S. Patent and Trademark Office via the PAIR (Patent Application Information Retrieval) system on the following date:

22 May 2008

Date of Electronic Submission

Marcus Kayton

Signature

AMENDMENTS TO THE CLAIMS

1-14. **(CANCELED)**

15. **(PREVIOUSLY PRESENTED)** A method of restoring hook material used for hook and loop attachment, the hook material having stems arrayed thereupon with the stems each terminating in a hook, the method comprising the step of raking the hook material with a member having a plurality of spaced teeth, wherein
- a. the width of each respective tooth, and
 - b. the spacing apart of adjacent teeth,
- are such that adjacent hooks on the hook material have one of the teeth fit therebetween closely adjacent to their stems.
16. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein the teeth are centered approximately 0.8 mm apart.
17. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein the teeth are centered 0.7-0.9 mm apart.
18. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein:
- a. the spacings between adjacent teeth are at least the thickness of one of the stems, and
 - b. the width of each tooth is less than the distance between adjacent stems.
19. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein at least one of the teeth has a wedge-shaped leading edge.

20. **(PREVIOUSLY PRESENTED)** The method of claim 15 wherein at least one of the teeth terminates in a leading edge, and has a width which increases as the tooth extends rearwardly of the leading edge.
21. **(PREVIOUSLY PRESENTED)** The method of claim 20 wherein the tooth has opposing sides with the leading edge therebetween, and wherein both sides incline away from the leading edge.
22. **(PREVIOUSLY PRESENTED)** The method of claim 1 wherein:
- a. the plurality of spaced teeth define a first line on the member, and
 - b. the member further comprises a second line of spaced teeth on the member, wherein the teeth in the second line are arrayed in echelon with the teeth in the first line.
23. **(CURRENTLY AMENDED)** An apparatus for restoring hook material used for hook and loop attachment, such hook material having thereupon an array of stems terminating in hooks, the apparatus being defined by a rake including:
- (1)** a plurality of spaced teeth **defined in a first discrete set** wherein:
 - a. the width of each respective tooth, and
 - b. the spacing apart of adjacent teeth,are sized to allow each tooth to closely pass between adjacent stems on the hook material.
 - (2)** **a second discrete set of spaced teeth is provided spaced from the first set, wherein the teeth in the second set are:**
 - a. sized and spaced similarly to the teeth in the first set, and**
 - b. angled differently than the teeth in the first set.**
24. **(PREVIOUSLY PRESENTED)** The apparatus of claim 23 wherein each tooth includes a leading edge, with the tooth increasing in thickness rearwardly from the leading edge.

25. **(PREVIOUSLY PRESENTED)** The apparatus of claim 23 wherein each tooth includes a forward leading edge, and each tooth is tapered to:
- increase in width rearwardly of the leading edge, and
 - increase in height rearwardly of the leading edge.
26. **(CANCELED)**
27. **(CURRENTLY AMENDED)** An apparatus for restoring hook material used for hook and loop attachment, such hook material having thereupon an array of stems terminating in hooks, the apparatus being defined by a plastic rake sized to fit within the hand, and including:
- a first array of teeth, and
 - a second array of teeth, the second array being spaced from the first array;
- wherein the first and second arrays each define one or more rows of teeth, the rows in the first array being parallel to the rows in the second array, and** wherein:
- each tooth within the arrays is sized to fit between adjacent stems of hook material,
and
 - adjacent teeth of each array are spaced to allow passage of one of the stems therebetween, **and**
 - the teeth within the rows of the first array are angled differently from the teeth within the rows of the second array.**
28. **(PREVIOUSLY PRESENTED)** The apparatus of claim 27 wherein the first array and second array are spaced by a toothless valley.
29. **(CANCELED)**

30. **(PREVIOUSLY PRESENTED)** The apparatus of claim 27 wherein the teeth of the second array are set in echelon with the teeth of the first array.
31. **(CURRENTLY AMENDED)** The apparatus of claim 27 wherein at least one of the arrays includes tapered teeth, wherein each tapered tooth grows thicker in at least one dimension as **it the tapered tooth** extends rearwardly from the leading edge of the tapered tooth.
32. **(PREVIOUSLY PRESENTED)** The apparatus of claim 31 wherein each tapered tooth is axially symmetric in at least one plane defined along an axis extending rearwardly from the leading edge of the tapered tooth.
33. **(CURRENTLY AMENDED)** The apparatus of ~~claim 27~~ **claim 32** wherein at least one of the arrays includes tapered teeth, wherein each tapered tooth grows thicker in at least one dimension as **it the tapered tooth** extends rearwardly from its leading edge.
34. **(NEW)** The method of claim 22 wherein the teeth in the second line are angled in non-parallel relationship with the teeth in the first line.
35. **(NEW)** The apparatus of claim 23 wherein the teeth in the second discrete set are arrayed in echelon with the teeth in the first discrete set.

REMARKS**1. The Amendments and the Support Therefor**

Two claims (26 and 29) have been canceled, two new claims (34 and 35) have been added, and claims 23, 27, 31, and 33 have been amended to leave claims 15-25, 27, 28, and 30-35 in the application. No new matter has been added by the amendments or new claims, wherein:

- ***Independent claim 23*** has been amended to incorporate its dependent claim 26, and also to specify that the teeth in the different rows are differently angled (as illustrated, for example, in FIGS. 2, 4, and 8);
- ***Independent claim 27*** has been amended to incorporate its dependent claim 29, and also to specify that the teeth in the different rows are differently angled (as illustrated, for example, in FIGS. 2, 4, and 8);
- ***Claims 31 and 33*** have been amended to address §112(2) issues (as discussed below), with claim 33 also being amended to address an incorrect claim dependency;
- ***New Claim 34*** finds support in, for example, FIGS. 2, 4, and 8;
- ***New Claim 35*** finds support at (for example) claims 22 and 30.

2. Sections 1-2 of the Office Action: Objections to the Abstract

Regarding the objection on the basis that the Abstract is not presented on a separate sheet, please note that the Preliminary Amendment of September 23, 2004 did indeed present the Abstract on a separate sheet (note the “Remarks” section, and the separate sheet appended to the end of the Preliminary Amendment). Kindly withdraw this objection.

3. Section 3 of the Office Action: Rejection of Claims 31 and 33 under 35 USC §112(2)

Claims 31 and 33 have been amended to eliminate any ambiguity.

4. Sections 4-5 of the Office Action: Rejection of Claims 15, 18-21 and 23-25 under 35 USC §102 in view of U.S. Patent 3,170,182 to *Burian*

Regarding *claim 15 and its dependent claims 18-21 and 34*, kindly reconsider and withdraw the rejections. The parent claim 15 is directed to “[a] method of restoring hook material used for hook and loop attachment, the hook material having stems arrayed thereupon with the stems each terminating in a hook . . . “ In contrast, *Burian* plainly shows and discusses rehabilitation of a paintbrush having straight bristles, with no disclosure whatsoever of hook material. As noted in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Since this condition is not present here, kindly withdraw the rejections.

Additionally, one of ordinary skill would not regard *Burian*’s paint brush cleaning tool as being useful for restoring hook material in the manner recited in claim 1: since *Burian*’s device is designed and used for cleaning straight brush bristles, it would seem that if used on hook material, it would bend (straighten) the hooks, thereby damaging them and rendering them useless. We therefore submit that claims 15 and 18-21 are also unobvious in view of *Burian*.

It is also notable that claim 22, which recites multiple lines of teeth wherein the teeth in the lines are arrayed in echelon (i.e., the teeth in respective lines are staggered), is particularly unobvious in view of *Burian*. Initially, multiple rows of teeth would hinder brush cleaning: as seen in U.S. Patent 3,170,182, one wishes to clean by inserting the cleaning rake near the brush body (the part holding the brush bristles) and then rake toward the ends of the bristles to effect cleaning. If multiple rows of bristles were used, it would be difficult to insert the rake teeth since the trailing row(s) would interfere with the rake body. Thus, no ordinary artisan would contemplate the claimed arrangement. Arraying the teeth in echelon then further heightens unobviousness, since a first row of teeth might fit between brush bristles (as in *Burian*) – but then the following staggered row of teeth would then interfere with the bunched bristles situated between the teeth in the first row. Thus, no ordinary artisan would contemplate this arrangement either. In short, while *Burian* may seem to bear some structural similarities to the claimed arrangement, an ordinary artisan would not truly contemplate its adaptation for the claimed method.

Regarding *claim 23 and its dependent claims 24, 25 and 35*, claim 23 now recites rows of teeth wherein the teeth in the different rows are differently angled (as illustrated, for example, in FIGS. 2, 4, and 8). Such an arrangement is not present in *Burian*, nor can it fairly be said that such an arrangement would be contemplated by an ordinary artisan, particularly where all references of record which show the use of multiple rows of teeth show the use of teeth in each row which are parallel with the teeth in the other rows.

5. Section 6 of the Office Action: Rejection of Claims 15 and 18-33 under 35 USC §102 in view of U.S. Patent 3,053,264 to Breton

U.S. Patent 3,053,264 to *Breton* is directed to a hair brush wherein the bristles of the brush are moved between strands of hair to straighten the hair. *Claim 15 and its dependent claims 18-22* are submitted to be novel and unobvious in view of this arrangement for the reasons similar to those noted in the foregoing Section 4 of this Response, i.e., *Breton* is not used to restore hook material, nor would one use *Breton* for such a purpose because the hooks would be bent and damaged by *Breton* (which is, after all, intended to *straighten* the matter through which it is run). Since *Breton* is intended to straighten the matter through which it is run, and straightening of the hooks of hook and loop material is naturally undesirable, it cannot be obvious to modify the use of *Breton* to attain the claimed matter. See, e.g., MPEP 2143.01 (subsection entitled “The Proposed Modification Cannot Render The Prior Art Unsatisfactory For Its Intended Purpose”).

Regarding *claim 23 and its dependent claims 24, 25, and 35*, these claims are submitted to be novel and unobvious for reasons similar to those noted in the foregoing Section 4 of this Response: *Breton* does not show or suggest rows of teeth wherein the teeth in the different rows are differently angled, and it cannot be fairly said that an ordinary artisan would contemplate this arrangement.

6. Section 7 of the Office Action: Rejection of Claims 15 and 18-33 under 35 USC §102 in view of U.S. Patent 671,047 to Fox

U.S. Patent 671,047 to *Fox* is also directed to a hair brush wherein the bristles of the brush are moved between strands of hair to straighten the hair, and the comments at the foregoing Section 5 of this Response apply here as well.

7. Section 8 of the Office Action: Rejection of Claims 15 and 18-33 under 35 USC §102 in view of U.S. Patent 5,297,882 to Korindes

U.S. Patent 5,297,882 to *Korindes* is also directed to a hair brush wherein the bristles of the brush are moved between strands of hair to straighten the hair, and the comments at the foregoing Section 5 of this Response apply here as well.

8. Sections 9-10 of the Office Action: Rejection of Claims 16-17 under 35 USC §103(a) in view of U.S. Patent 3,053,264 to Breton, U.S. Patent 671,047 to Fox, and/or U.S. Patent 5,297,882 to Korindes

These claims are submitted to be allowable for at least the same reasons as their parent claim 15. In addition, claims 16-17 recite teeth spacings which are on the sub-millimeter level – which is extremely small. When the present invention is placed out of mind to guard against hindsight, and when the cited art is considered for all that it suggests, it cannot fairly be said that an ordinary artisan would contemplate sub-millimeter spacings where all prior art shows significantly larger spacings.

9. New Claims 34-35

New claims 34 and 35 are submitted to be allowable for at least the same reasons as their parent claims, and also because the features recited in these claims are novel and unobvious for the reasons discussed above.

10. In Closing

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,



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UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit D-1

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,900	09/23/2004	Pamela Louise Amos	40735022/53500US	3658
25005	7590	01/24/2008		
Intellectual Property Dept. Dewitt Ross & Stevens SC 2 East Mifflin Street Suite 600 Madison, WI 53703-2865			EXAMINER WILSON, LEE D	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/508,900	AMOS, PAMELA LOUISE	
	Examiner	Art Unit	
	LEE D. WILSON	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/23/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Application/Control Number: 10/508,900
Art Unit: 3723

Page 2

1 DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract should be on a separate sheet. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. Claims 31 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following claims are vague, indefinite, awkwardly and confusingly worded:

- i. "it" is recited in claims 31 and 33. What is being referred to by this term and does it have proper antecedent basis.

Claim Rejections - 35 USC § 102

Application/Control Number: 10/508,900
Art Unit: 3723

Page 3

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15, 18-21, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Burian (3170182).

Burian discloses the claimed invention as recited in claims . Burian discloses an apparatus and method having teeth (16&30) being wedge shaped

6. Claims 15 and 18-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Breton (3053264).

Breton discloses the claimed invention as recited in claims . Breton discloses an apparatus and method having teeth (26) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. The method is merely the natural function of the claimed apparatus.

7. Claims 15 and 18-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Fox (671047).

Fox discloses the claimed invention as recited in claims . Fox discloses an apparatus and method having teeth (4) being wedge shaped including first and second sets, Lines,

Application/Control Number: 10/508,900
Art Unit: 3723

Page 4

and/or arrays also having empty spaces. The method is merely the natural function of the claimed apparatus.

8. Claims 15 and 18-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Korindes (5297882).

Korindes discloses the claimed invention as recited in claims . Korindes discloses an apparatus and method having teeth (20) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. The method is merely the natural function of the claimed apparatus.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breton (3053264), Korindes (5297882), and/or Fox (671047).

b. Breton (3053264), Korindes (5297882), and/or Fox (671047) discloses the claimed invention except for a range .7-.9 mm apart for the teeth. The claimed range would have been obvious because "a person of ordinary skill has

Application/Control Number: 10/508,900
Art Unit: 3723

Page 5

good reason to pursue the known options within his or her technical grasp. It this leads to the anticipated success, It is likely the product not of innovation but of ordinary skill and common sense.” KSR.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The 892 form discloses prior art being made of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/508,900
Art Unit: 3723

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldw

/LEE D WILSON/
Primary Examiner, Art Unit 3723

January 21, 2008

Notice of References CitedApplication/Control No.
10/508,900Applicant(s)/Patent Under
Reexamination
AMOS, PAMELA LOUISEExaminer
LEE D. WILSONArt Unit
3723

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-671,047 A	04-1901	fox	401/28
*	B	US-1,008,382 A	11-1911	Sourek	15/197
*	C	US-3,053,264 A	09-1962	BRETON ALEX T	132/116
*	D	US-3,170,182 A	02-1965	BURIAN FRANKLIN D	15/142
*	E	US-3,744,082 A	07-1973	Marshall, Alfred G.	15/402
*	F	US-3,999,244 A	12-1976	Brickley, Alfred H.	15/142
*	G	US-D249,750 S	10-1978	Erickson, Bernard A.	D4/136
*	H	US-D262,671 S	01-1982	Erickson, Bernard A.	D4/136
*	I	US-5,297,882 A	03-1994	Kornides, James R.	401/184
*	J	US-2005/0178403 A1	08-2005	Amos, Pamela Louise	134/006
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: AMOS, Pamela Louise Atty. Docket: 40735022|53500US
Title: METHOD AND APPARATUS FOR CLEANING HOOK AND LOOP
ATTACHMENT MATERIALS
Priority: International (PCT) Appln. PCT/AU03/00354 (filed 25 March 2003)
Australian Provisional Patent Appln. PS 1310 (filed 25 March 2002)

INFORMATION DISCLOSURE STATEMENT
(37 CFR §1.98; MPEP 609)

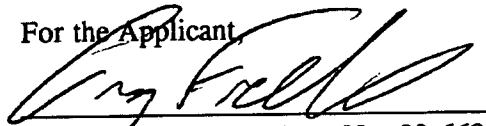
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Commissioner:

The accompanying Form PTO-1449 is submitted in accordance with 37 CFR §1.56 for the above-referenced patent application. Since the application was filed (or entered national stage) after June 30, 2003, the PTO-1449 is not accompanied by any copies of cited U.S. patents or U.S. patent application publications. Any other references (if cited) should accompany the PTO-1449.

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,



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EFS-Web Receipt date: 09/23/2004

10/508900
DT15 Rec'd PCT/PTO 23 SEP 2004

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known		
			Application Number		
			Filing Date		
			First Named Inventor		
			Group Art Unit		
			Examiner Name		
Sheet	1	of	1	Attorney Docket Number	40735022 53500US

U.S. PATENT DOCUMENTS						
Exam. Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant	Publication Date (MM-DD-YYYY)	Location of Relevant Matter (if unspecified, assume entirety is relevant)
		Number	Kind Code (if known)			
/LW/		6,264,755	B1	GEORGIU	07/24/2001	
/LW/		5,922,139	A	GILBERT	07/13/1999	
/LW/		3,170,182	A	BURIAN	02/23/1965	
/LW/		2,564,721	A	RAYA	08/21/1951	

FOREIGN PATENT DOCUMENTS								
Exam. Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant	Publication Date (MM-DD-YYYY)	Location of Relevant Matter (if unspecified, assume entirety is relevant)	Trans.
		Office	Number	Kind Code (if known)				
/I W/		AU	200013479	B2	SEDMAN	03/23/2000		

Examiner Signature	/Lee Wilson/	Date Considered	1/21/08
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